

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00026

Barry Emmett,
Plaintiff,

v.

Unknown,
Defendant.

ORDER

Plaintiff Barry Emmett, a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this civil lawsuit without paying the filing fee. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 2.

On January 26, 2024, the magistrate judge issued a report recommending that the court bar the plaintiff from proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) and dismiss this case subject to reopening if the plaintiff pays the filing fee within fifteen days of judgment. Doc. 3. A copy of the report was mailed to the plaintiff, who received it on February 1, 2024, and has not filed written objections or paid the filing fee. Doc. 4.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The plaintiff is denied leave to proceed as a pauper, and this case is dismissed with prejudice for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g)—but without prejudice as to the refiling of the lawsuit with payment of the full filing fee.

So ordered by the court on May 13, 2024.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge